

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

David Magerman,

Plaintiff,

v.

Robert Mercer,

Defendant.

Civil Action No. 2:17-cv-3490

DECLARATION OF JASON C. SCHWARTZ

I, Jason C. Schwartz, declare as follows:

1. I am an attorney at law licensed to practice in the State of Maryland, the Commonwealth of Virginia, and the District of Columbia. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, counsel for Robert Mercer. I submit this Declaration in support of Mr. Mercer's Motion To Compel Arbitration And Dismiss. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to them under oath.

2. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff David M. Magerman's column entitled *When a Hedge Fund Billionaire 'Buys' Democracy: Magerman on Mercer*, published on philly.com on March 1, 2017, and available at http://www.philly.com/philly/blogs/inq-phillydeals/Billionaires_and_Democracy_Magerman_Mercer_Renaissance_Trump_Bannon_Conway.html.

3. Attached hereto as **Exhibit B** is a true and correct copy of a redline comparison of the Complaint in this case (ECF No. 1), with the dismissed Complaint (No. 2:17-cv-2083, ECF No. 1).

4. Attached hereto as **Exhibit C** is a true and correct copy of the Notice Of Claim And Demand For Arbitration in *Magerman v. Renaissance Techs. LLC*, dated May 9, 2017.

5. Attached hereto as **Exhibit D** is a true and correct copy of a redline comparison of the Complaint (Doc. 1) and the JAMS Demand For Arbitration (Ex. C).

6. Attached hereto as **Exhibit E** is a true and correct copy of the Amended Notice of Claim and Demand For Arbitration in *Magerman v. Renaissance Techs. LLC*, dated August 3, 2017.

7. Attached hereto as **Exhibit F** is a true and correct copy of a redline comparison of the current Complaint (ECF No. 1) and the Amended Notice of Claim and Demand For Arbitration (Ex. E).

8. Attached hereto as **Exhibit G** are true and correct copies of selected posts from David Magerman's Twitter account, @DavidMagerman.

9. Attached hereto as **Exhibit H** is a true and correct copy of the Notice of Dismissal for the first complaint (No. 2:17-cv-2083, ECF No. 8).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of September, 2017.

/s Jason C. Schwartz

Jason C. Schwartz

jschwartz@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5303

Telephone: 202.955.8500

Facsimile: 202.467.0539